



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

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APPLICANTS: John S. Flowers *et al.*
APPLICATION NO.: 09/757,963
FILING DATE: January 10, 2001
TITLE: INTEROPERABILITY OF VULNERABILITY
AND INTRUSION DETECTION SYSTEMS
EXAMINER: Gail O. Hayes
GROUP ART UNIT: 2131
ATTY. DKT. NO.: 23327-06896

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, DC 20231, on the date shown below:

Dated: November 26, 2002

By: 
Brian M. Hoffman, Reg. No. 39,713

COMMISSIONER FOR PATENTS
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PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d) AND
M.P.E.P. § 708.02 (II) FOR ACTUAL INFRINGEMENT

I. Petition

Pursuant to 37 C.F.R. §1.102 and consistent with the procedural requirements outlined in M.P.E.P. §708.02 (II), Applicants hereby petition to make the above-identified patent application, which has not received any communication from an Examiner, special because of actual infringement. This petition is made with respect to the claims as amended by the Preliminary Amendment submitted herewith.

The fee set forth in 37 C.F.R. §1.17(h) is included herewith. The Commissioner is hereby authorized to charge Deposit Account No. 19-2555 for any additional fees (and to credit any overpayment) associated with this Petition.

II. Actual Infringement

This petition is made on the basis of actual infringement by the ipAngel™ product of Lucid Security Corporation at 124 South Maple St. Suite 200, Ambler, PA 19002, which was available on the market and in use no later than October 17, 2002. Information about ipAngel™ is available at <http://www.lucidsecurity.com>. Applicants' attorney has made a rigid comparison of the ipAngel™ product and the pending claims. In the opinion of Applicants' attorney, the ipAngel™ product unquestionably infringes at least some of the pending claims.

III. Search

A careful and thorough search of the prior art has been made, including a search conducted by unaffiliated professional searcher Mr. Israel Agranov, Ph.D., of the Woolcott professional patent searching service, a division of MicroPatent. The following classes and subclasses were searched: Class 709 (Electrical Computers and Digital Processing Systems: Multiple Computer or Process Coordinating), subclasses 224 (Computer Network Monitoring) and 225 (Computer Network Access Regulating); and Class 713 (Electrical Computers and Digital Processing Systems: Support), subclass 201 (Computer Network). Examiner Chris Revak in art unit 2131 of the USPTO was consulted regarding the areas of search in classes 709 and 713.


IV. Copy of References

Submitted herewith is an Information Disclosure Statement and Form PTO/SB/08A, including copies of the references revealed by the search and possibly pertinent to the subject matter encompassed by the claims.

Applicants respectfully submit that the claims now pending are in condition for allowance. Therefore, favorable action and early allowance are solicited.

Respectfully submitted,
JOHN S. FLOWERS, et al.

Date: November 26, 2002

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